

CZAR GIVES UP THE SIEGE OF CRACOW; HIS ARMY FALLS BACK FIFTY MILES

TWO BAFF CASE INDICTMENTS ASSURED, SAYS WHITMAN; DEATH GUNS IDENTIFIED

Carl Rettich Completes Revelations of Death Plot Before Grand Jury.

HIS THIRD APPEARANCE.

True Bills Made Possible by His Testimony, Prosecutor Asserts.

Carl Rettich, the young West Hoboken bartender who learned the murder secrets of the "chicken pullers" over the mahogany, made his third appearance today before the Grand Jury investigating the murder of Barnett Baff and made complete his revelations of the scene of business murder.

That the young man whose first reserve had been prompted by fear of death at the hands of the very men he was asked to betray, had cast aside all terror and revealed everything he knew about the plotting and purchasing of assassination was the assurance District Attorney Whitman sent out of the jury room.

He identified the two revolvers he had hidden in his room after the arrest of James Moore as being the property of Moore and Joe Cohen, told of money passed to himself, as go-between, and to others, and of the departure of the hired gunmen for the scene of the murder on the afternoon of Nov. 24.

"Rettich's testimony has made possible the finding of at least two indictments," was Whitman's comment when he emerged from the jury room at 1:15 o'clock at the adjournment of that body for the day.

The drink mixer explained to the Grand Jury how the two revolvers identified by him came to be in the saloon over which he presided, told who brought them there and when. What had prompted him, following the news of James Moore's arrest, to remove the guns from their hiding place behind the bar and secrete them in his own room he also revealed.

It is understood that the witness's testimony was sufficient to fix the two revolvers as the weapons with which the death of Baff had been accomplished.

It was that statement of Rettich's mother, who had seen him hiding the revolvers and who went before Whitman one day last week to tell of this incident, that brought out today's revelations concerning this most important point in the case. As soon

(Continued on Second Page.)

APPOINTS SELF TO OFFICE.

Day State Official Finds a Way to Hold His Job.

SALEM, Mass., Dec. 28.—City Marshal P. J. Lehan today appointed himself Assistant City Marshal and then resigned the office of Marshal. His action, which was confirmed by Mayor John F. Hurley, was taken to prevent his position from being filled by the police department to the extent that M. J. O'Keefe should defeat Mayor Hurley in the recall election to-morrow.

Manufacturer Drops Dead on Fifth Avenue.

Frederick Rudolph, fifty-two years old, a boiler manufacturer, of No. 93 Java Street, Brooklyn, was seized with acute indigestion while walking on Fifth Avenue this afternoon and was taken to New York Hospital, where he died.

GEN. O'RYAN HINTS PING PONG SOLDIERS MUST BE REPLACED

Wants Men Who Know More About Marching Than About Dancing.

"If you advertise for ping pong soldiers you will get them to order; if you advertise for rough riding, trench digging, regular rough and ready athletic soldiers who know more about marching on uneven ground than tangoing on a glazed floor—you'll get them, too," said Major-Gen. John F. O'Ryan, Commander-in-Chief of the National Guard forces in New York State, today.

Coming right after Gov. Glynn's order disbanding the Twenty-second Regiment of Engineers, the sentiments of the Major-General are interpreted to mean that the National Guard of the State will be reorganized in part and placed on the same footing as a regular army division.

Asked if the Twenty-second Regiment is the last to be disbanded, Gen. O'Ryan said he would not answer that question. "This is interpreted to mean that the work of whipping the whole State force into practical fighting shape has only begun."

"We are going to make the National Guard a dependable fighting machine in time of war," declared the General with emphasis. "War is a rough business and we shall have to use rough methods in bringing the National Guard to a state of war efficiency."

"Will the fine dancing floors of all the armories in the State be removed and substituted by dirt floors?" Gen. O'Ryan was asked.

"The necessity for such a change is apparent," replied the General. "You can say, however, that all new armories throughout the State now under construction are to have dirt floors. Why? Simply because the polished floor is no place for a soldier. In the new armories the men will have dirt to dig trenches in, to pitch tents on, to drive nails over, to light fires in—other words, to do all the things a real soldier is supposed to do. You can't learn to be a mule driver or a trench digger or a rough rider on a floor polished like a skating rink."

"You ask me if the removal of dancing diversions will cause the ranks of the National Guard to dwindle. No, on the contrary I think it will swell the ranks. We'll appeal to the athletic side of the young men, and when we do I think the ping-pong soldier will become a mere memory. Anyhow, I don't believe there are any ping-pong soldiers in our National Guard."

"Some of the militiamen of this State believe the Boy Scout movement is a menace. I think it is wonderful. It will help the militia in all the States. There is one thing about a Boy Scout that commands attention and admiration. He does not need \$100 chairs to sit on. The cavalry and field artillery of this State is remarkably efficient. We are going to make the infantry the same."

John T. Dooley, one of the active members of the Veteran's Association

CHILDREN OF SOCIETY SKATING AT TUXEDO PARK



MARION AND FANNIE WICKS.

INDICTED FOR JOY RIDE ENDING IN GIRL'S DEATH

Bronx Grand Jury Accuses James E. McGuire of Operating Machine While Intoxicated.

The Grand Jury of the Bronx today found an indictment against James E. McGuire of No. 562 West End avenue who is accused of causing the death of Miss Elizabeth Dayton, Nov. 13 last, by operating an automobile while intoxicated. The extreme punishment is one year's imprisonment and a fine of \$500.

Miss Dayton lived with her uncle and aunt, Mr. and Mrs. James Spencer Dayton at No. 3291 Locust avenue, the Bronx. With several young men and another girl, she went for an automobile ride with McGuire in his car. On the way to New Rochelle, they stopped at Woodman's Inn and stayed from 3 until 7 o'clock in the morning. The party consumed more than \$100 worth of refreshments, chiefly wines and liquors. On the return trip the auto upset and killed Miss Dayton.

MAN SLASHES PRIEST.

Crowd Parades Assault of East Side Cleric.

Filippo Rodriguez, fifty-four, shortly after 2 o'clock this afternoon stabbed Rev. Father Parenti of the Church of Our Lady of Pompeii, on the steps of the parish house at No. 216 Bleeker street, after demanding to know where the priest had hidden his son, Tony.

The assailant ran down the street, pursued by a crowd of about two hundred. He kept the crowd at bay with his knife and tried to stab Policemen David A. Yates but the latter knocked him down.

The younger Rodriguez has been living with a family in the neighborhood and the father was anxious to find him, according to the neighbors, to compel him to support him. Rodriguez gave his address as the Mills Hotel, at No. 169 Bleeker street. Father Parenti was cut in the face from nose to the left ear.

of the Twenty-second Regiment, disbanded Thursday for reorganization as a working engineer force by Gov. Glynn, on the initiative of Major-Gen. John F. O'Ryan, said today at No. 27 Cedar Street, that he and other members of the association are hurrying a call for a meeting at which the Governor will be asked to rescind the order.

CANADIAN TROOPS SHOOT AMERICANS; U. S. CONSUL ACTS

Two Duck Hunters in Boat Fired On and One Killed. Report to Washington.

BUFFALO, Dec. 28.—One American was instantly killed and another seriously wounded by Canadian troops patrolling the Canadian border at Fort Erie, Ont., opposite this city today. The men were hunting ducks out of season in the Niagara River and in Canadian waters. Provincial Police Officer Thomas Delaney of Fort Erie ordered the men to stop shooting. They declined and Delaney called upon a corporal and two privates of the Fourth Battalion of the Canadian militia for assistance.

The corporal ordered the men to come ashore. Instead they headed their boat for the American shore and were beating a hasty retreat when at the order of Delaney the soldiers fired upon them. One of the men, Walter Smith, was shot through the head. His companion, Charles Dorisch, suffered a serious wound in the shoulder. When the hunters toppled over in their boat the soldiers put out in a boat and towed the hunters' craft to shore. Both men resided in Buffalo.

Capt. Norman Pitt, in charge of the border patrol at Fort Erie, declined to discuss the matter further than to say that he had reported the shooting to his commanding officer at Toronto.

Secretary of State Bryan was notified of the shooting by Vice-Consul J. B. Curtis of Fort Erie. "Whether or not complications will result is a debatable question," said Mr. Curtis. "While two Americans were shot, the information available indicates that they were shooting ducks without a Canadian license and were in Canadian waters, where they had no right to be under the circum-

stances. I have informed the State Department of the details and will attend the inquest to look after the interests of the Government. No arrests have been made as a result of the shooting."

WHITMAN NAMES AIDE FOR DISTRICT ATTORNEY

Governor-Elect Appoints Charles Albert Perkins Prosecutor of Manhattan.

Governor-elect Whitman announced at noon today the appointment of Charles Albert Perkins to succeed him in the office of District Attorney. The formal announcement was simply confirmation of a report that had been current for a week.

Mr. Perkins has been in the District Attorney's office as a deputy assistant and an assistant for seventeen years. During Mr. Whitman's term and most of the term of Mr. Jerome he has been in charge of the Indictment Bureau. He is regarded as especially well qualified to assume the duties of the office which Mr. Whitman will lay down on Dec. 31.

Mr. Perkins will go to Albany with the Governor-elect next Thursday and will take the oath of office before midnight in order that his appointment may become effective the moment Mr. Whitman ceases to be District Attorney and becomes Governor of the State. It is a condition of his appointment that he shall not interfere with the present staff of the office.

Mr. Perkins is a Republican in politics. The fact that he has been named by Mr. Whitman establishes that, so far as such a matter could be arranged in advance, Mr. Perkins has been guaranteed the fusion nomination for District Attorney in the next election.

Mr. Whitman and Mr. Perkins had a conference this afternoon. At its conclusion Mr. Perkins said: "I understand I will be appointed District Attorney at Albany next Friday. I have accepted. No conditions were laid upon me in accepting and I hope I will be as great a success as my predecessor. I also hope for the support of the entire staff of the District Attorney's office; nobody there will be disturbed."

MISS HELEN ALEXANDER
STUCKERMAN.
UNDERWOOD AND UNDERWOOD

FRANK'S CASE GOES TO HIGHEST COURT

Justice Lamar Grants Appeal to Have Condemned Man's Petition Presented.

An appeal to the United States Supreme Court has been granted by Justice Lamar in the case of Leo M. Frank, Louis Marshall, Frank's counsel, announced this afternoon that he had received word from Justice Lamar to this effect.

ENJOINS NEW YORK CENTRAL.

Court Restrains Road From Issuing \$500,000 Bonds.

NEWBURGH, N. Y., Dec. 28.—Justice Tompkins in Supreme Court here this afternoon granted an injunction restraining the New York Central from issuing \$500,000 worth of 4 per cent. bonds in furtherance of its plans for merging with the Lake Shore and Michigan Southern Railroad. The application for the injunction was made by the Continental Securities Company. The injunction is operative until the arguments contained in the application have been heard.

Cat Saves Many Lives in Fire.

STAMFORD, Conn., Dec. 28.—William C. Marks of No. 528 Main Street is giving an Angora cat credit today for saving his life and the lives of members of five other families who occupy the four-story brick building at No. 528 Main Street. Marks was awakened at midnight by the cat, which clawed his face. He found the room full of smoke and flames. All in the building escaped. Samuel Weidenbaum of the building, who was under arrest on a charge of arson in connection with the fire.

For Racing See Sporting Page.

RUSSIANS IN RETREAT FOIL AUSTRIAN PLAN AND SPLIT FOES' ARMY

Czar's Troops Make a Stand at the Biala River and Strike Back—French and Germans Claim Gains on the Western Battle Front.

PARIS OFFICIALS ADMIT A LOSS AT ONE POINT

PETROGRAD, Russia (via London), Dec. 28 [Associated Press].—The investment by the Russians of the Austrian fortress of Cracow has again been raised.

The Russian Galician army which a short time ago was in touch on the south with the Austrian garrison defending Cracow moved back to the Biala River.

Notwithstanding the fact that the Russian retreat completely relieved the investment of the fortress of Cracow, it is claimed to be a marked advantage for the Russians, the retirement being due to the discovery of the Austrian aim to cut into halves the Russian forces in this region.

The Austrians began advancing Dec. 23 from Tymark, thirty-five miles southeast of Cracow, with the apparent object of swinging around the left of the Russians along the River Biala, northward of Tarnow, and joining forces with the army of Gen. Boehm-Ermolli which was advancing along the railroad from Sanok and Lisko.

The premature appearance of Gen. Boehm-Ermolli's army to the south of Przemyśl put the Russians on their guard. The Russians concentrated along the Biala River, moved down and attacked the Austrians at Tuchow, fifteen miles south of Tarnow, where they were successful in preventing a junction of the Austrian armies.

Then the attention of the Russians was directed to the Austrians advancing from Sanok, which movement was checked. After their successes in this district the Russians took the offensive along the Biala River.

On Christmas the Russians won the day at Tuchow, the Austrians retreating throughout the following day. The Russians captured 3,500 prisoners and 18 machine guns.

Later the Russians crossed to the western bank of the Biala and successfully stormed the heights of Sedliska, four miles south of Tuchow. The Russians took possession of a twenty-mile strip of territory and thus succeeded in separating the two Austrian forces.

Gen. Boehm-Ermolli's army is said by the Russians to be in full retreat and the western army of the Austrians is reported to be badly crippled.

Allies Repulsed at Four Points, Berlin War Office Reports

BERLIN, Dec. 28 (Associated Press).—The German official statement given out today reports that the allies yesterday made an attack by land and sea on the town of Nieupoort, at the extreme right of the German line in Belgium.

The Germans also announce the capture of several trenches and of a number of prisoners to the south of Ypres and the repulse of French attacks in the region of Arras, Verdun and Senheim.

The text of the communication reads:

"In the western theatre the enemy unsuccessfully renewed his attacks on Nieupoort, supported by warships, which did no damage to us, but killed and wounded a few inhabitants of Westende. An attack on the hamlet of St. George also failed.

"South of Ypres we captured one of the enemy's trenches and some dozens of prisoners fell into our hands on this occasion. Several violent attacks by the enemy in the region to the northwest of Arras were repelled.

"To the southeast of Verdun the enemy repeated his attacks, but they also were without success. A similar result occurred when he attempted to recapture a height to the west of Senheim, for which we fought yesterday.

800 Yards of First Line Trenches Reported Taken From Germans

PARIS, Dec. 28 (Associated Press).—The statement from the Paris War Office this afternoon is as follows:

"In Belgium we have continued to advance. To the west of Lombaertzyde we are actually at the foot of the sand dunes on which the enemy has established his line of resistance. At a point